

Please type a plus sign (+) inside this box → ☐PTO/SB/05 (11-00)
Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Attorney Docket No.

032580.0045.CIP

First Inventor

ALAN H. OSTROFF

Title

CURRENT WAVEFORMS FOR ANTI-TACHYCARDIA
PACING FOR A SUBCUTANEOUS IMPLANTABLE
CARDIOVERTER-DEFIBRILLATOR

Express Mail Label No.

EL675946346US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **91**]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **11**]
5. Oath or Declaration [Total Pages ☐

a. ☐ Newly executed (original or copy)

b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)

i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in
the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign
priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☒ Other: Application Cover Sheet

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment,
or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No. 09/663,607 and 09/663,606

Prior application information. Examiner Group Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label **23865** or ☒ Correspondence address below
(Insert Customer No. or Attach bar code label here)

| | | | | | | | |
|---------|---------------------------------|-----------|--------------|----------|--------------|--|--|
| Name | Jonathan L. Pettit | | | | | | |
| Address | Brobeck, Phleger & Harrison LLP | | | | | | |
| | 12390 El Camino Real | | | | | | |
| City | San Diego | State | CA | Zip Code | 92130-2081 | | |
| Country | USA | Telephone | 858/720-2500 | Fax | 858/720-2555 | | |

| | | | |
|-------------------|---------------------------|-----------------------------------|---------|
| Name (Print/Type) | Jonathan L. Pettit | Registration No. (Attorney/Agent) | 40,770 |
| Signature | <i>Jonathan L. Pettit</i> | Date | 11/5/01 |

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

| | |
|----------------------|-----------------|
| Application Number | To be assigned |
| Filing Date | Herewith |
| First Named Inventor | Alan H. Ostroff |
| Examiner Name | To be assigned |
| Group Art Unit | To be assigned |
| Attorney Docket No. | 032580.0045.CIP |

TOTAL AMOUNT OF PAYMENT (\$1,573.00)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-1273

Deposit Account Name Brobeck, Phleger & Harrison LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

| Large Fee Code | Entity (\$) | Small Fee Code | Entity (\$) | Fee Description | Fee Paid |
|---------------------|-------------|----------------|-------------|------------------------|-------------------|
| 101 | 740 | 201 | 370 | Utility filing fee | 370.00 |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 510 | 207 | 255 | Plant filing fee | |
| 108 | 740 | 208 | 370 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$370.00) |

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 149 | -20** = 129 | 9.00 | 1,161.00 |
| 4 | -3** = 1 | 42.00 | 42.00 |

Multiple Dependent

| Large Fee Code | Entity (\$) | Small Fee Code | Entity (\$) | Fee Description |
|----------------------------------|-------------|----------------|-------------|--|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent claim, if not paid |
| 109 | 84 | 209 | 42 | ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$1,203.00) | | | | |

**or number previously paid, if greater; For Reissues, see above

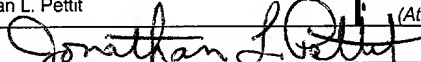
FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Fee Code | Entity (\$) | Small Fee Code | Entity (\$) | Fee Description | Fee Paid |
|----------------|-------------|----------------|-------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 920 | 217 | 460 | Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | |
| 128 | 1,960 | 228 | 980 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | |
| 143 | 460 | 243 | 230 | Design issue fee | |
| 144 | 620 | 244 | 310 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY****Complete (if applicable)**

| | | | | | |
|-------------------|---|-----------------------------------|---------|-----------|----------------|
| Name (Print/Type) | Jonathan L. Pettit | Registration No. (Attorney/Agent) | 40,770 | Telephone | (858) 720-2500 |
| Signature |  | Date | 11/5/01 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

CONTINUATION-IN-PART APPLICATION

UNDER 37 CFR § 1.53(b)

TITLE: CURRENT WAVEFORMS FOR ANTI-TACHYCARDIA PACING FOR A SUBCUTANEOUS IMPLANTABLE CARDIOVERTER-DEFIBRILLATOR


APPLICANT(S): OSTROFF, ALAN H.; RISSMAN, WILLIAM J.; MEZACK, GARY R.

Correspondence Enclosed:

Utility Application Transmittal Sheet and FY 2001 Fee Transmittal Sheet (2pgs); Description (55pgs); Claims (35pgs); Abstract (1pg); Drawings Figures 1-20 (11 sheets); Check in the amount of \$1,573.00; and Return Postcard.

PRIORITY DATA: Under 35 U.S.C. §120 this application claims the benefit of U.S. Patent Application Serial No. 09/663,607, filed September 18, 2001; U.S. Patent Application Serial No. 09/663,606, filed September 18, 2001; U.S. Patent Application entitled "Monophasic Waveform for Anti-Bradycardia Pacing for a Subcutaneous Implantable Cardioverter-Defibrillator", filed concurrently herewith; U.S. Patent Application entitled "Monophasic Waveform for Anti-Tachycardia Pacing for a Subcutaneous Implantable Cardioverter-Defibrillator", filed concurrently herewith; and U.S. Patent Application entitled "Current Waveforms for Anti-Bradycardia Pacing for a Subcutaneous Cardioverter-Defibrillator", filed concurrently herewith.

"EXPRESS MAIL" Mailing Label Number EL675946346US Date of Deposit November 5, 2001 I hereby certify under 37 CFR §1.10 that this correspondence (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.


Josh Gibbs